

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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UNITED STATES OF AMERICA	*	NO. H-14-CR-248-1
	*	Houston, Texas
VS.	*	
	*	2:07 p.m. - 2:21 p.m.
ALI MAHMOOD AWAD IRSAN	*	April 3, 2015

* * * * *

RE-ARRAIGNMENT HEARING

BEFORE THE HONORABLE LYNN N. HUGHES
UNITED STATES DISTRICT JUDGE

* * * * *

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**General Order 94-15, United States
District Court, Southern District of Texas**

Proceedings recorded by electronic sound recording
Transcript produced by transcription service

1 **APPEARANCES :**

2 For the United States:

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6 For the Defendant:

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P R O C E E D I N G S

2:07 P.M. - APRIL 3, 2015

THE COURT: *United States of America vs. Ali
Mahmood Awad Irsan.*

MR. MCALLISTER: Jim McAlister for the Government.

MR. FLOYD: Good afternoon. John Floyd for
Mr. Ali Irsan.

THE COURT: Mr. Floyd. Mr. McAlister.

Would you raise your right hand, please, sir. Do you solemnly swear the testimony that you give will be the truth, the whole truth, and nothing but the truth?

DEFENDANT IRSAN: I do, Your Honor.

THE COURT: Tell me your full name, please,
sir.

DEFENDANT IRSAN: My full name is Ali Mahmood
Awad Irsan.

THE COURT: How old are you?

DEFENDANT IRSAN: 57.

THE COURT: How many years of education have you had?

DEFENDANT IRSAN: I had high school diploma,
two years of college, and some other college.

THE COURT: And where did you go to college?

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1 DEFENDANT IRSAN: I went to college in Jordan
2 and I went to college in Iowa.

3 THE COURT: Iowa?

4 DEFENDANT IRSAN: Iowa State, yes, sir.

5 THE COURT: What did you study?

6 DEFENDANT IRSAN: Engineering.

7 THE COURT: Of what country are you a citizen?

8 DEFENDANT IRSAN: United States and Jordan.

9 THE COURT: Before you were arrested, were you
10 under the care of a physician or a psychologist?

11 DEFENDANT IRSAN: I was under care of a
12 physician.

13 THE COURT: For what?

14 DEFENDANT IRSAN: Pain medication.

15 THE COURT: What was causing your pain?

16 DEFENDANT IRSAN: I have disks in my back. I
17 have disks. I have a prostate problem.

18 THE COURT: Well, wait a minute, tell me
19 what's wrong with your back?

20 DEFENDANT IRSAN: I have disks.

21 THE COURT: Well, we all have disks.

22 DEFENDANT IRSAN: Well, herniated disks, pain.

23 THE COURT: How did you get a herniated disk?

24 DEFENDANT IRSAN: I have no idea.

25 THE COURT: What are you taking for your

1 prostate?

2 DEFENDANT IRSAN: I don't remember the name
3 of the medicine. I haven't taken it since I've been
4 arrested for the past year. I was on medication for
5 that.

6 THE COURT: Are you having problems now?

7 DEFENDANT IRSAN: Occasionally, yes, sir, your
8 Honor. My prostate, you know --

9 THE COURT: No, believe me, I know. It's one
10 of the joys of maturity.

11 Make sure he gets prostate medicine. I'm
12 no doctor, but in my experience, there are no
13 recreational benefits to prostate.

14 Before you were arrested, were you using
15 drugs or alcohol?

16 DEFENDANT IRSAN: No, sir, never did, Your
17 Honor.

18 THE COURT: How do you feel today?

19 DEFENDANT IRSAN: Good.

20 THE COURT: Have you had an opportunity to
21 discuss your case with Mr. Floyd?

22 DEFENDANT IRSAN: Yes, Your Honor, I sure did.

23 THE COURT: And are you happy with the work he
24 has done for you?

25 DEFENDANT IRSAN: Very happy.

1 THE COURT: How do you plead to Count One, the
2 Conspiracy to Defraud the United States?

3 DEFENDANT IRSAN: Guilty, Your Honor.

4 THE COURT: Now, Mr. Irsan, under the
5 Constitution, you have a right to a trial by a jury on
6 these charges. At that trial you would be considered
7 innocent. You would never have to prove that you're
8 innocent. The Government would have to prove that
9 you're guilty and they would have to do that by
10 bringing witnesses into court to testify in front of
11 you about what you had done. There would be no secret
12 evidence like I suspect may still exist in Jordan.
13 They would also have to prove it beyond a reasonable
14 doubt. I don't know whether I just said that, but
15 twice doesn't hurt.

16 At that trial, Mr. Floyd could try to
17 block the Government's evidence by objecting, he could
18 ask questions for your side of the story of the
19 Government's witnesses, and he could bring other
20 witnesses for your side of the story if there are any.

21 At the trial, you could testify. If you
22 did not want to testify, no one could make you testify
23 and no one could use it against you that you that you
24 had not testified.

25 If you continue to plead guilty, there'll

1 be no jury, no exhibits, no witnesses, I'll find you
2 guilty and we'll go on with the punishment. Also, you
3 will have to testify against yourself because I will
4 ask you questions about what you had done in order to
5 assure myself that you're pleading guilty to something
6 you really did.

7 DEFENDANT IRSAN: Yes, sir, Your Honor.

8 THE COURT: Having gone over your rights, do
9 you still want to plead guilty to Count One?

10 DEFENDANT IRSAN: Yes, sir, Your Honor.

11 THE COURT: You're charged in Count One with
12 conspiring to defraud the United States. "Conspiring"
13 is a fancy legal word for "agreement." So you and
14 somebody reached an agreement and the purpose of that
15 agreement was to cheat the United States out of
16 something by lying to it.

17 DEFENDANT IRSAN: Yes, sir, Your Honor.

18 THE COURT: And what you were going to cheat
19 them out of was cash money.

20 DEFENDANT IRSAN: Yes, sir, Your Honor.

21 THE COURT: Any question about the parts?
22 And somebody has to have done something about the
23 conspiracy.

24 DEFENDANT IRSAN: Yes, sir, Your Honor.

25 THE COURT: You know, not just sit around and

1 talk about it.

2 But as I understand the case, somebody did
3 something about this conspiracy.

4 DEFENDANT IRSAN: Yes, sir, Your Honor.

5 THE COURT: The punishment is up to five years
6 in prison, up to a quarter of a million dollar fine, up
7 to three years of supervised release, and a \$100 tax.

8 Any question about the punishment?

9 DEFENDANT IRSAN: No, sir, Your Honor.

10 THE COURT: You may also have to pay the money
11 back, restitution. That's not punishment, that's
12 just -- you're supposed to give back what you steal.

13 DEFENDANT IRSAN: Yes, sir, Your Honor.

14 THE COURT: Has anybody threatened you or
15 forced you to plead guilty?

16 DEFENDANT IRSAN: No, sir, Your Honor.

17 THE COURT: Now, I understand you've reached
18 an agreement with the Government where you say that you
19 will plead guilty to Count One and you will not appeal
20 now or forever, directly or indirectly. And the
21 Government's agreement is that it will dismiss the
22 other counts in this charge and it will agree that you
23 get a couple of points off of the Guideline
24 calculation.

25 DEFENDANT IRSAN: Yes, sir, Your Honor.

1 THE COURT: Has anybody promised you anything
2 other than what's in that agreement?

3 DEFENDANT IRSAN: No, sir, Your Honor.

4 THE COURT: Are you sure?

5 DEFENDANT IRSAN: Yes, sir, Your Honor.

6 THE COURT: All right. Now, I'm reliably
7 informed that Mr. McAlister is a faithful steward of
8 the responsibilities that people have confided to him
9 and has eliminated the weasel paragraph from
10 Washington.

11 MR. MCALLISTER: Yes, sir.

12 THE COURT: Thank you very much.

13 All right, if that is your agreement, sir,
14 would you sign it?

15 DEFENDANT IRSAN: Yes, sir, Your Honor.

16 **[Pause - Document signed]**

17 THE COURT: Now, that agreement may have some
18 talk about a downward departure or 5K1. I don't know
19 whether it does, but it's just talk, that's not a
20 promise. The only promise is to dismiss the charges
21 and to recommend the Guideline adjustment. Is that
22 clear?

23 DEFENDANT IRSAN: Yes, sir, Your Honor.

24 THE COURT: And you understand that what
25 Mr. Floyd and Mr. McAlister think the Guidelines are

1 going to be is helpful, but I get to decide what they
2 are and then I get to decide whether to follow them.
3 Is that clear?

4 DEFENDANT IRSAN: Yes, sir, Your Honor.

5 THE COURT: So this is one of those deals that
6 should make you a little nervous as it's up to me.

7 DEFENDANT IRSAN: Yes, Your Honor.

8 THE COURT: You understand you can't change
9 your mind and withdraw your guilty plea?

10 DEFENDANT IRSAN: Yes, sir, Your Honor.

11 THE COURT: All right, would you briefly tell
12 me factually what it is that you did that makes you
13 think that you're guilty of conspiring to cheat the
14 United States.

15 DEFENDANT IRSAN: Yes, sir, Your Honor. I had
16 a foreign bank account in Jordan and I did not disclose
17 it to the Social Security Administration. And also, I
18 had a payment for injury, a hospital bill from the
19 manufacturer of a saw, which I took from them and I
20 gave it to my daughter, and I did not disclose it to
21 the Social Security, either.

22 THE COURT: And that's the one to Nada?

23 DEFENDANT IRSAN: Nadia. Nadia, yes, Your
24 Honor. She was going to school to become a doctor.
25 She was going and I was trying to help her out.

1 THE COURT: And you didn't disclose those so
2 that you could get more money from the public that you
3 weren't entitled to under the Rules?

4 DEFENDANT IRSAN: Yes, sir, Your Honor.

5 THE COURT: And you knew you were lying to
6 them?

7 DEFENDANT IRSAN: Yes, sir, Your Honor.

8 THE COURT: And you, in fact, got money,
9 didn't you?

10 DEFENDANT IRSAN: Yes, sir, Your Honor.

11 THE COURT: All right. And you did that in
12 Montgomery County?

13 DEFENDANT IRSAN: Yes, sir, Your Honor.

14 THE COURT: There's a technical legal reason
15 why where you did it matters.

16 DEFENDANT IRSAN: It's where I reside, Your
17 Honor.

18 THE COURT: Anything else you want to add to
19 it?

20 DEFENDANT IRSAN: No, sir, Your Honor.

21 THE COURT: Anything the Government would like
22 to add?

23 MR. MCALLISTER: No, Your Honor. The facts
24 are more particularly spelled out in the Plea Agreement
25 on page 8.

1 THE COURT: Right.

2 I find the facts support your plea of
3 guilty. I find you guilty as charged in Count One.
4 Your sentencing is set for July 6, 2015, at 1:30 in the
5 afternoon.

6 Mr. McAlister, that's everybody for this
7 case?

8 MR. MCALLISTER: Yes, Your Honor.

9 MR. FLOYD: May we be excused, Your Honor?

10 THE COURT: Anything else?

11 MR. MCALLISTER: Not from the defense.

12 THE COURT: Do you have any questions?

13 DEFENDANT IRSAN: No, Your Honor.

14 THE COURT: All right, now you may be excused.

15 MR. FLOYD: Thank you, Your Honor.

16 MR. MCALLISTER: Thank you, Your Honor.

17 **[2:21 p.m. - Proceedings adjourned]**

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C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript of the electronic sound recording of the proceedings in the above-entitled matter.

/s/ Gwen Reed

8-28-15